

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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|----------------------------|---|---------------------------|
|                            | ) |                           |
| Fair Isaac Corporation,    | ) | File No. 16-cv-1054 (DTS) |
| a Delaware Corporation,    | ) |                           |
|                            | ) |                           |
| Plaintiff,                 | ) |                           |
|                            | ) |                           |
| v.                         | ) |                           |
|                            | ) |                           |
| Federal Insurance Company, | ) | Courtroom 14W             |
| an Indiana corporation,    | ) | Minneapolis, Minnesota    |
| and ACE American Insurance | ) | Thursday, March 9, 2023   |
| Company, a Pennsylvania    | ) | 2:55 p.m.                 |
| Corporation,               | ) |                           |
|                            | ) |                           |
| Defendants.                | ) |                           |
|                            | ) |                           |

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BEFORE THE HONORABLE DAVID T. SCHULTZ  
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

**(JURY TRIAL PROCEEDINGS - VOLUME XIV - VERDICT)**

Proceedings recorded by mechanical stenography;  
transcript produced by computer.

\* \* \*

APPEARANCES:

For Plaintiff:

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Court Reporter:

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United States District Courthouse  
300 South Fourth Street, Box 1005  
Minneapolis, Minnesota 55415

\* \* \*

1 March 9, 2023

2:55 P.M.

2  
3 **(In open court without the Jury present.)**

4 THE COURT: Good afternoon. Please be seated.

5 Is everyone ready to proceed?

6 MS. GODESKY: Yes, Your Honor.

7 THE COURT: All right. Let's bring in the jury.

8 THE CLERK: Please rise for the jury.

9 **(Jury enters.)**

10  
11 **(In open court with the Jury present.)**

12 THE COURT: Be seated. Members of the Jury, have  
13 you reached a verdict in this case?

14 THE JURY: Yes.

15 THE COURT: All right. Court security officer,  
16 if you would bring the verdict up, please. Thank you.

17 All right. I will now read the verdict aloud as  
18 it will appear on the docket for this case.

19 Question 1. Did FICO prove that Federal breached  
20 Section 3.1 of the license agreement by allowing  
21 third-party consultants DWS and/or AppCentrica to use Blaze  
22 Advisor? Answer: No.

23 Question 2. Did FICO prove that Federal breached  
24 Section 10.8 of the license agreement? Answer: Yes.

25 Question 3. Did FICO properly terminate the

1 license agreement on March 30th, 2016? Answer: Yes.

2 Question 4. If you find that FICO properly  
3 terminated the license agreement, please enter the amount  
4 of damages FICO incurred as a result of Federal's use of  
5 Blaze Advisor after March 31, 2016. Answer: 4.3 million.

6 Question 5. Did FICO prove that Federal  
7 infringed FICO's copyright by use of Blaze Advisor after  
8 March 31, 2016? Answer: Yes.

9 Question 6. If you have found that Federal  
10 infringed FICO's copyright, please enter the amount of  
11 actual damages FICO suffered as a result of Federal's  
12 infringement. Answer: 4.3 million dollars.

13 Question 7. Did FICO prove that ACE American  
14 infringed FICO's copyright by use of Blaze Advisor?  
15 Answer: Yes.

16 Question 8. If you have found that ACE American  
17 infringed FICO's copyright, please enter the amount of  
18 actual damages FICO suffered as a result of ACE American's  
19 infringement of the copyright? Answer: \$35,700,000.

20 Question 9. If you have found that either  
21 defendant infringed FICO's copyright, did FICO prove that  
22 this infringing use contributed to the revenues of the  
23 infringer? Answer: No.

24 Question 10. If you answered yes to question 9,  
25 enter the amount of revenue to which the use of Blaze

1 Advisor contributed. Not applicable.

2 Question 11. Answer the amount of profits that  
3 are not taken into account by computing FICO's actual  
4 damages in your answers to questions 6 and 8. Answer:  
5 Zero dollars.

6 And as to Questions 12, 13 and 14, as instructed  
7 by the Court given the answer to question 3, the jury did  
8 not answer part IV of the verdict form.

9 Signed and dated by Jeffrey Filipek, March 9,  
10 2023.

11 I will now poll the jury to make sure that this  
12 is your verdict.

13 Mr. Rynda, is this your verdict?

14 JUROR RYNDA: Yes.

15 THE COURT: Mr. Thunborg, is this your verdict?

16 JUROR THUNBORG: Yes.

17 THE COURT: Mr. Filipek, is this your verdict?

18 JUROR FILIPEK: Yes.

19 THE COURT: Mr. Kittams, is this your verdict?

20 JUROR KITTAMS: Yes.

21 THE COURT: Mr. Gabbert, is this your verdict?

22 JUROR GABBERT: Yeah.

23 THE COURT: Ms. Eisenhut, is this your verdict?

24 JUROR EISENHUT: Yes.

25 THE COURT: Ms. Horton, is this your verdict?

1 JUROR HORTON: Yes.

2 THE COURT: Ms. Wright, is this your verdict?

3 JUROR WRIGHT: Yes.

4 THE COURT: Sorry. Ms. Mohr, is this your  
5 verdict?

6 JUROR MOHR: Yes.

7 THE COURT: Mr. Blackmon -- Ms. Dungan, is this  
8 your verdict?

9 JUROR DUNGAN: Yes.

10 THE COURT: Mr. Blackmon, is this your verdict?

11 JUROR BLACKMON: Yes.

12 THE COURT: All right. Members of the Jury, I  
13 want to thank you on behalf of the parties and the Court  
14 for your service in this matter. Everybody knows that this  
15 was a long trial. You have been very attentive and patient  
16 throughout.

17 You dealt with a snowstorm. You dealt with  
18 several snow storms, one blizzard that closed the  
19 courthouse for two days, and then you were blessed with  
20 some tropical heat.

21 And we appreciate how attentive and thoughtful  
22 you were and your service. I can tell you that I'm sure  
23 all the lawyers feel this way. We, on our side of things,  
24 devote our careers to practicing law and to being a judge,  
25 and we believe firmly in the rule of law.

1           And the only thing that really safeguards the  
2           rule of law in day-to-day work is the wisdom and patience  
3           and diligence of our juries. So we thank you. It's very  
4           important, and you have done us all a great service by your  
5           sacrifice.

6           So thank you.

7           With that, you are excused from jury service.  
8           You are free to talk about this case with anyone as you  
9           wish or no one if you prefer. Before you leave, you will  
10          return to the jury room in order that we may collect the  
11          lanyards, give you your phones back.

12          And also I will come into the jury room for those  
13          of you who wish to stay. I will be happy to answer any  
14          questions that you might have. Thank you again.

15          THE CLERK: All rise for the jury.

16                   **(Jury exits.)**

17  
18                   **(In open court without the Jury present.)**

19          THE COURT: All right. Be seated, everyone.

20          So let me just ask the lawyers if there is  
21          anything that needs to be taken up now.

22          Mr. Hinderaker?

23          MR. HINDERAKER: Not for the plaintiff, Your  
24          Honor.

25          THE COURT: All right. Thank you.

1 MS. GODESKY: Not for the defendant. Thank you.

2 THE COURT: All right. Let me just say to all of  
3 the lawyers here that I appreciate all your hard work and  
4 all your patience with all the things that we had to go  
5 through. This was a very well-tried case, and the jury has  
6 spoken.

7 MS. GODESKY: Thank you.

8 THE COURT: Thank you, everyone. We're in  
9 recess.

10 MR. HINDERAKER: I'm sorry, Your Honor. Just one  
11 point with the disgorgement being for the Court. Are you  
12 going to issue any briefing schedule with respect to that?

13 THE COURT: I will do that. Yes.

14 MR. HINDERAKER: Thank you.

15 THE COURT: All right. Thank you.

16 **(Court was adjourned.)**

17 \* \* \*

18 I, Kristine Mousseau, certify that the foregoing  
19 is a correct transcript from the record of proceedings in  
20 the above-entitled matter.

21

22

23 Certified by: s/ Kristine Mousseau, CRR-RPR  
24 Kristine Mousseau, CRR-RPR

25